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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,516	12/31/2003	Dae-Ha Lee	3364P160	9238

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

KANE, CORDELIA P

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,516	Applicant(s) LEE ET AL.	
	Examiner Cordelia Kane	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks/Arguments, filed July 2, 2007, with respect to the rejections of claims 1 – 11 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Pierce in view of DiPierro.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, and further in view of DiPierro's US Publication 2003/0088783 A1. Referring to claims 1 and 10, Pierce discloses:

- a. Creating a timestamp (page 7, paragraph 76), and a security token (figure 4), and inserting them in the header (page 9, paragraph 89).
 - b. Encrypting data to be transferred with a secret key (page 2, paragraph 19, and inserting it in the body (page 8, paragraph 88).
 - c. Attaching a digital signature to create a signature, and inserting it in the header (page 8, paragraph 86).
 - d. Encrypting the secret key with the service key (page 7, paragraph 77) and inserting it in the header (page 9, paragraph 89). The key is encrypted in the token which is then in the header. Therefore the key is in the header. The service key could be a public key (page 4, paragraph 40).
5. Pierce does not explicitly disclose the digital signature being encrypted in the header. However, DiPierro discloses encrypting the digital signature in the header (page 3, paragraph 39).
6. Pierce and DiPierro are analogous art because they are from the same field of endeavor, securing data that is transferred. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Pierce and DiPierro before him or her, to modify Pierce to include the digital signature encryption of DiPierro. The motivation for doing so would have been that it renders the data significantly safer (page 3, paragraph 39).
7. Referring to claim 2, Pierce teaches that the session key is used to both encrypt (page 2, paragraph 19) and decrypt (page 2, paragraph 21) the data. It is inherent that the session key is symmetric.

8. Referring to claim 3, Pierce teaches that the public key encryption done on the secret key is asymmetric (page 4, paragraph 40).
9. Referring to claim 4, since a SOAP message is XML (Pierce, Page 8, Paragraph 83) it is understood that the encryption would be using an XML algorithm.
10. Referring to claims 5 and 11, Pierce teaches:
 - e. Acquiring a certificate for verifying a signature of the SOAP message (page 8, paragraph 86).
 - f. Decrypting an encrypted key in the security header (page 7, paragraph 71) with a private key (page 4, paragraph 40).
 - g. Inserting a digital signature in the header (page 8, paragraph 86).
 - h. Verifying the signature is not specifically stated, but Pierce does state that the system would be able to check the validity of the signature (page 8, paragraph 86).
 - i. Decrypting the encrypted data in the SOAP body with the secret key (page 2, paragraph 21).
11. Pierce does not explicitly disclose decrypting the digital signature. However, DiPierro discloses decrypting the digital signature (page 4, paragraph 51).
12. Pierce and DiPierro are analogous art because they are from the same field of endeavor, securing data that is transferred. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Pierce and DiPierro before him or her, to modify Pierce to include the digital signature decryption of

DiPierro. The motivation for doing so would have been that the only way to be able to verify the digital signature you would have to decrypt it.

13. Referring to claim 6, Pierce teaches the passing of the certificate as it is part of the security-concerning information (page 8, paragraph 86). In the specification the applicant defines a security token as security-concerning information.

14. Referring to claim 7, Pierce teaches that the session key is used to both encrypt (page 2, paragraph 19) and decrypt (page 2, paragraph 21) the data . It is inherent that the session key is symmetric.

15. Referring to claim 8, Pierce teaches that the public key encryption done on the secret key is asymmetric (page 4, paragraph 40).

16. Referring to claim 4, since a SOAP message is XML (Pierce, Page 8, Paragraph 83) it is understood that the encryption would be using an XML algorithm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CPK

Cordelia Kane
Patent Examiner
Art Unit 2132

Gilberto Barron Jr

GILBERTO BARRON Jr
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100